



IFWJ RCE
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CERTIFICATE OF MAILING
37 C.F.R. § 1.8

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: MAIL STOP RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date below:

May 7, 2004 Cynde Melnhart
Cynde Melnhart

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

M. STEPHEN GALLAND ET AL.

Serial No.: 09/748,529

Filed: December 22, 2000

For: UV- OR HEAT-TRIGGERED LOW
OXYGEN PACKAGING SYSTEM
EMPLOYING AN OXIDIZABLE
POLYMER RESIN AND A PEROXIDE

Group Art Unit: 1714

Examiner: Joseph D. Anthony

Attorney Docket: 2039.006200/RFE
(09748529US00)

CUSTOMER NO. 37774

MAIL STOP RCE

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR CONTINUED EXAMINATION UNDER 37 C.F.R. § 1.114

This is a Request for Continued Examination (RCE) of the above-identified application.

1. Submission required under 37 C.F.R. § 1.114

a. ☒ Previously submitted

05/11/2004 SSITHIB1 00000031 09748529

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- i. ☒ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on April 6, 2004.

(Any unentered amendments referred to above will be entered).

- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____.

- iii. ☐ Other _____.

- b. ☒ Enclosed

- i. ☒ Preliminary Remarks iii. ☐ Information Disclosure Statement

- ii. ☒ Request for Extension of Time iv. ☐ Other _____

2.

Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months. Fee under 37 C.F.R. § 1.17(i) **required**)

- b. ☐ Other _____

3.

Fees

 The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

- a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 50-0786/2039.006200RFE if check missing or insufficient.

- i. ☒ RCE fee required under 37 C.F.R. § 1.17(e)

- ii. ☒ Extension of time fee (37 C.F.R. §§ 1.136 and 1.17)

- iii. ☐ Other _____.

- b. ☒ Check in the amount of \$1720 enclosed.

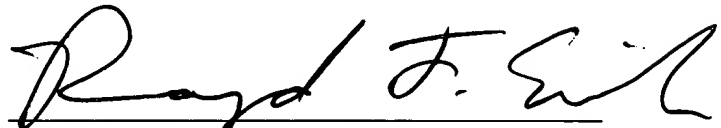
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Respectfully submitted,

WILLIAMS, MORGAN & AMERSON, P.C.
CUSTOMER NO. 37774

May 7, 2004



Raymund F. Eich, Ph.D.

Reg. No. 42,508

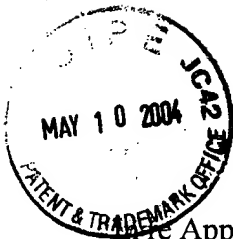
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Houston, Texas 77042

(713) 934-4065

(713) 934-7011 (fax)

AGENT FOR APPLICANTS



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:)
)
M. STEPHEN GALLAND ET AL.)
)
Serial No.: 09/748,529) Group Art Unit: 1714
)
Filed: December 22, 2000) Examiner: Joseph D. Anthony
)
For: UV- OR HEAT-TRIGGERED LOW) Attorney Docket: 2039.006200/RFE
OXYGEN PACKAGING SYSTEM) (09748529US00)
EMPLOYING AN OXIDIZABLE)
POLYMER RESIN AND A PEROXIDE) CUSTOMER NO. 37774

PRELIMINARY REMARKS

MAIL STOP RCE
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

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May 7, 2004


Cynde Meinhart

Sir:

These remarks are submitted with a request for continued examination filed this date.

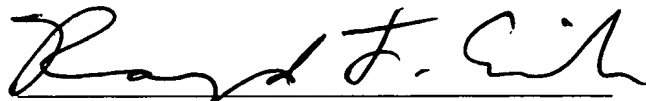
In the advisory action of April 20, 2004, the Examiner alleged that the declaration of Anne Ebbesen, filed on April 6, 2004, was faulty on the grounds it was dated "06/02/04." It should be apparent that Ms. Ebbesen used the European convention of "dd/mm/yy" in abbreviating the date February 6, 2004. Also, the Examiner baldly states Applicants' response, filed on April 6, 2004, "clearly does not overcome the applied Jerdee et al. reference," but the Examiner made no argument in support of this statement. As Applicants stated previously,

Jerdee does not provide an example of using aseptic packaging with oxygen scavenging packaging articles and thus, the reference did not recognize the prospect that the sterilization technique could also serve to reduce the oxygen scavenging induction period. Jerdee does not teach or suggest the claimed limitation of reducing the induction period of oxygen scavenging.

Respectfully submitted,

WILLIAMS, MORGAN & AMERSON, P.C.
CUSTOMER NO. 37774

May 7, 2004

A handwritten signature in black ink, appearing to read "Raymund F. Eich", written over a horizontal line.

Raymund F. Eich, Ph.D.

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